

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

SIDELMAN, Zvi  
09/942121

Filed: August 30, 2001

**For: CASEIN DERIVED PEPTIDES  
AND USES THEREOF IN THERAPY**

Examiner: Samuel W. Liu, Ph.D.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Group Art Unit: 1653

Attorney  
Docket: 01/22453

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## ELECTION

Sir:

This is in response to the United States Patent and Trademark Office Action mailed July 1, 2004, which is being filed by October 1, 2004, and for which a two-month extension of time is included. This response is also following a telephone interview with the Examiner, which took place on September 14, 2004. The following are in accord with the understandings reached during the aforementioned telephone interview.

Summary of Telephone Interview and Election

Present during the telephone interview were Dr. Samuel Liu, Primary Examiner, Dr. Karen Carlson, and Mr. Sol Sheinbein and Dr. Gal Ehrlich for the Applicants. Drs. Liu and Carlson acknowledged receipt of Applicant's request for reconsideration of restriction requirement, transmitted on September 14, and agreed with Applicants position that claims 13-64, and 97-100 teach various aspects of the induction of hematopoiesis, as taught in claims 13-24, and as such should be included within a single group, and examined together.

In accordance with the Examiner's decision, Applicant hereby elects the group including claims 13-64, and 97-100.

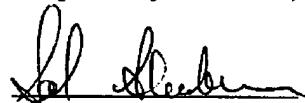
Applicant wishes to reiterate that whereas each of the individual conditions recited in claims 25-64 are consequences of abnormal hematopoiesis, particularly, deficient hematopoiesis resulting in a paucity of megakaryocytes (megakaryocytopoiesis), leukocytes (leukocytopoiesis), plasma cells, thrombocytes (thrombocytopenia), and the whole population of blood cells (pancytopenia), and wherein the present invention, as taught in claims 13-24 and as is described in the instant specification, can induce hematopoiesis in cases of deficient hematopoiesis, therefore remedy of the conditions recited in claims 25-64 would be effected by the administration of a polypeptide comprising an N-terminus portion of  $\alpha$ S1 casein as taught in claims 13-24.

Referring now to claims 97-100, said claims teach a method of augmenting the effect of thrombopoietin comprising administering to a subject a polypeptide comprising an N-terminus portion of  $\alpha$ S1 casein. Applicant wishes to point out that, similar to the abovementioned conditions, whereas the effect of thrombopoietin is the induction of thrombopoiesis, resulting in increased numbers of thrombocytes, and whereas thrombopoiesis is one aspect of hematopoiesis, thus, augmenting the effect of thrombopoietin is therefore a single aspect of the induction of hematopoiesis, as taught in claims 13-24.

Additional Election

The Examiner has required a species election under 35 USC 121, restricting any elected claims of groups 1-18 to a single peptide sequence with identified SEQ ID NO. Applicants hereby elect SEQ ID NO: 4, representing a peptide comprising amino acid residues 1-11 of the N-terminal sequence of  $\alpha$ S1 casein.

Respectfully submitted,



Sol Sheinbein  
Registration No. 25,457

Date: September 28, 2004